

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

202

CRM-M-43028-2022 (O & M)
Date of decision:11.01.2023

Vinod

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Pardeep Panwar, Advocate for
Mr. S.S. Nain, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

This is the third petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.31, dated 16.04.2019 registered for the offence under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985, (for short “the NDPS At”) at Police Station Bapoli, District Panipat, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the basis of secret information. Vinod (present petitioner), who was travelling in a car, was apprehended and 50 Kg. *ganja* leaves were recovered.

Counsel for the petitioner contends that although the vehicle, from which recovery has been effected belongs to the petitioner, but the contraband recovered from the vehicle, does not belong to him. He urges

that petitioner has been embroiled in a false case. He argues that the authorities have violated mandatory provisions of the NDPS Act during search and seizure. Counsel submits that charge was framed on 12.02.2020, but the trial is not progressive. He submits that the petitioner, who has a clean past, deserves to be enlarged on bail as there is no possibility of conclusion of the trial in the near future.

Per Contra, learned State counsel, upon instructions from SI Mahavir, has opposed the petition and has submitted that the contraband recovered from the petitioner falls within the ambit of commercial quantity and the first two petitions filed by the petitioner, were withdrawn, after arguments, vide orders dated 16.03.2021 and 16.05.2022, Annexures P-7 and P-8, respectively. State counsel, however, could not dispute, that despite the fact that charge was framed on 12.02.2020, only 03 out of 10 prosecution witnesses have been examined.

Heard counsel for the parties and considered their submissions.

Petitioner is in custody for the last almost 40 months and trial is at an initial stage. No specific reason has been assigned by the State as to why the prosecution could not conclude its evidence within the last almost 03 years after the framing of the charge. An accused cannot be kept in confinement for an unending period awaiting the outcome of the trial. In view of the above facts and circumstances as well as the clean antecedents of the petitioner, this Court is inclined to accept the prayer made in the petition.

Without advertng to the merits or de-merits of the arguments addressed, particularly noticing the length of custody of the petitioner, he is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

Petition is allowed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.01.2023

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(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No